

FACT SHEET: How Interior Department and Forest Service's Actions Are Preventing Border Patrol from Securing our Border on Federal Lands

Problem Overview – Blocking Border Patrol Access

- There are serious security gaps on federal lands along the southern and northern U.S. borders. In fact, some of the most dangerous areas along the southern border are the 20.7 million acres of Department of Interior (DOI) and U.S. Forest Service (USFS) land. This includes 4.3 million acres designated as “Wilderness areas” where the Border Patrol is generally prohibited from using motorized vehicles, constructing roads and installing security and communication structures.
- Documents show that the Department of the Interior and the U.S. Forest Service have consistently and actively taken steps that prevent the Border Patrol from securing our nation's borders on federal lands. According to internal memos, DOI officials have asserted that the Wilderness Act of 1964 trumps border security legislation passed by Congress.
- As a result, Border Patrol agents are being forced to wade through bureaucratic red tape just so they can do the job Congress has mandated: gain operational control over the U.S. border.
- The Department of the Interior is hindering border security efforts on federal lands by preventing the use of motorized vehicles, requiring DHS to complete lengthy and expensive environmental analysis, and at times literally locking out Border Patrol agents to prevent their access to some areas.

National Security Threats

- Federal lands along the border are specifically targeted by criminals, drug smugglers, human traffickers and potential even terrorists because they are remote, uninhabited and less frequently patrolled by Border Patrol agents.
- According to the Department of the Interior's FY 2002-2003 Public Lands Threat Assessment Report:

“Virtually all of the lands managed by Department of The Interior (DOI) along the Arizona/Mexico border are sparsely populated with easy access into the United States from Mexico. Terrorist wishing to smuggle nuclear - biological - or chemical (NBC) weapons into the United States from Mexico could use well-established smuggling routes over DOI managed lands.”

Violence on Public Lands along Border

- National parks and forests have become some of the most dangerous and violent areas along the border where shootings, robberies, rapes, murders, kidnappings and car-jackings frequently occur.
- Many of these areas have been rendered unsafe for entry by U.S. citizens, including land managers and employees.

- Border patrol agents, park rangers and private American citizens have been killed by criminals crossing the border through federal lands. For example:
 - On August 9, 2002 Park Ranger Kris Eggle, age 28, was shot and killed in the line of duty while pursuing members of a Mexican drug cartel who had crossed the U.S. border into the Organ Pipe National Monument.
 - On January 19, 2008 Border Patrol Agent Luis Aguilar, age 31, was killed in the line of duty after being intentionally hit by a vehicle that had illegally crossed into the U.S. through the Imperial Sand Dunes (BLM land).
 - On March 28, 2010 Arizona Rancher Rob Krentz was shot and killed on his ranch by a person who had illegally entered and exited the U.S. through the San Bernardino Wildlife Refuge.

Environmental Damage

- Although DOI's stated goal is to protect the environment, its obstruction of the Border Patrol's enforcement operations is actually resulting in increased environmental harm because criminal trafficking operations are drawn to areas where border enforcement is hampered.
- These Wilderness areas suffer from mounds of discarded trash, dumping of toxic waste, destruction of plants, soil erosion and wildfires started by criminal cartels.

Blocking Construction of Electronic Surveillance

- Security infrastructure enhancements, such as the virtual fence and other electronic surveillance equipment, are prohibited in wilderness areas regardless of the strategic importance of their placement.
- Barring surveillance towers from needed sites in Wilderness areas will leave large sections of the border unmonitored.

Extorting Mitigation Funds

- Not only is DOI blocking efforts to secure the border, but it is even charging DHS millions of dollars for conducting Border Patrol operations on its land.
- DHS has paid DOI over \$9 million since 2007 to mitigate the purported "environmental damage" of protecting our border. Per a Memorandum of Agreement signed in 2009, DHS agreed to hand over an additional \$50 million for mitigation funds to DOI; however DOI has yet to disclose how exactly these funds will be used. This extortion is taking valuable money away from Border Patrol that is needed to safeguard our nation.